

REMARKS

Reconsideration and allowance of the above-reference application are respectfully requested. Claims 1, 25 and 38 are amended, new claims 51-54 are added, and claims 1-54 are pending in the application.

Claims 1, 25 and 38 have been to correct the informality identified by the claim objection.

Claims 1-5, 7-9, 11, 12, 14-18, 20-22, 24-29, 31-33, 35, 36, 38-42, 44-46, and 48-49 stand rejected under 35 USC §102(e) in view of U.S. Patent No. 6,014,711 to Brown. This rejection is respectfully traversed.

Each of the independent claims 1, 14, 25, and 38 specify recording a message by a calling party using a device at a calling party premises (i.e., co-located with the telephony device). Claim 1 specifies a method in a recording device at a calling party premises; claims 14 and 38 specify a device coupled to a telephony device at a calling party premises; claim 25 specifies a computer readable medium having instructions for executing a messaging application in a recording device at a calling party premises. The message is recorded based on speech signals supplied by the telephony device configured for initiating a voice-grade media connection. Hence, recording the message within the recording device at a calling party premises enables messages to be recorded without the necessity of using a voice-grade media connection. Further, messaging operations may be performed exclusively by the recording device at the calling party premises, eliminating the necessity of any messaging session between the calling party and a messaging server that may otherwise consume voice grade resources such as the voice-grade media connection or messaging resources during recording of the message.

These and other features are neither disclosed nor suggested in the applied prior art.

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Brown does not disclose recording at a calling party premises, as asserted in the Official Action. In particular, Brown discloses in Figures 1-4 a plurality of telephone users represented diagrammatically using a telephone 32 (col. 4, lines 20-21): the plurality of telephone users 32 are connected to the VPIM compliant VMS 18 via the landline connection established by a Public Switched Telephone Network (PSTN) 30 or via a PBX connection. Column 4, lines 33-36 explicitly specify that “a telephone subscriber 32 uses the VMS 18 to create a voice message in a step 40 by way of a direct connection to a PBX (not shown) or dial-up connection to a PBX.”

Hence, Brown neither discloses nor suggests recording at a calling party premises, i.e., the location of the calling party that is generating the message. Rather, Brown discloses the necessary use of the voice-grade landline connection in order to provide recording at a location remote from the calling party premises.

Hence, the §102 rejection should be withdrawn.

Claims 13, 37, and 50 stand rejected under §103 in view of Brown and U.S. Patent No. 6,282,269 to Bowater. This rejection is respectfully traversed. Bowater discloses a voice mail system, remote from the calling party or called party, that enables a calling party to leave a message for the called party using a “Webtalker” Internet telephone system. Hence, the hypothetical combination still neither discloses nor suggests the features of playing the media file as an announcement to the calling party on behalf of the messaging subscriber, where the calling party is able to record a message for the messaging subscriber using the recording device at the calling party premises. Hence, this §103 rejection should be withdrawn.

Claims 6, 10, 19, 23, 30, 34, 43, and 47 stand rejected under §103 in view of Brown and “Official Notice”. This rejection is respectfully traversed.

As described above, Brown does not disclose that the device is coupled to the telephony device.

Further, Applicant traverses the assertion of Official Notice: the Official Action asserts that the limitation “selectively playing the recorded message based on calling party commands, for review by the calling party prior to the sending step” is, in the words of the Official Action, “both old and well known in the art.” Applicant traverses this assertion: existing messaging technology requires the message to first be sent to the remote messaging system; in contrast, these claims specify that the message is played in the recording device at the calling party premises and before the message is sent.

Applicant requests under MPEP §2144.03 that the Examiner provide a reference that supports the Examiner’s position, else the rejection should be withdrawn.

Further, the Official Action fails to provide a prima facie case of obviousness for claims 10, 23, 34, and 47: the rejection fails to provide any reference to the claimed feature that the device is integrated within the telephony device. As described above, the applied prior art discloses that the voice mail system records the message at a location remote from the telephony device of the calling party (i.e., the calling party premises).

For these and other reasons, the §103 rejection should be withdrawn.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-475, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a stylized flourish at the end.

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